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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,002

09/22/2003

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061300-0364

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07/18/2006

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### DETAILED ACTION

1. The indicated allowability of claims 46-48 is withdrawn in view of the newly discovered reference(s) to Brooks et al., 2004/0230345, and Scott, GB 2337137 A. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 13, 14, 31-35, 46, 47, 48, 55-58, 61, 62, 63, 66, 67, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al., 2004/0230346, in view of the admitted prior art of 6421593.

3. As per claims 1-5, 13, 14, 31-35, 46, 47, 55-58, 61, 62, 66, 67, and 68, Brooks et al. disclose a transmission, the system is configured to immediately disable the output device when the transmission is in gear; a manual transmission; a chassis; body; the output device pertains to the body of the refuse vehicle; the output device is powered by a PTO; and the output device is a compactor in figure 2, and lines 20-25, on column 1, lines 1-7, on column 2, and lines 32-38, on column 2; disable the output when the vehicle reaches a threshold speed in figure 8; disable the output when in reverse(reverse is "in gear") in figure 7d; completing an operation started before being put into gear in paragraph 51; and the other combinations of conditions are a design choice within ordinary skill in the art in paragraph 47. Brooks et al. does not disclose

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the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules. The admitted prior art of 6421593 teaches the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules explicitly teaches the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules. It would have been obvious to one of ordinary skill at the time the invention was made to use the admitted prior art in the invention of Brooks et al. because such modification would make the vehicle more redundant able to handle errors.

4. As per claims 48 and 63, Brooks et al. and the admitted prior art disclose the limitations as set forth above. They do not disclose the refuse handling is loading refuse into the vehicle. Brooks et al. does teach that their invention is applicable to any PTO system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the invention of Brooks et al. and Kempen with a refuse loader because it would allow custom configuration of the loader PTO system to prevent undesirable consequences as stated in paragraph 51 of Brooks et al.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al., 2004/0230346, in view of the admitted prior art of 6421593 as applied to claims 1-5, 14, 31-35, 46, 47, 55-58, 61, 62, 66, 67, and 68 above, and further in view of Gaugush et al., 6269295.

6. Brooks et al., 2004/0230346, and the admitted prior art of 6421593, disclose the limitations as set forth above. They do not disclose moving the transmission out of gear when a brake is applies and moving into gear when the brake is disengaged. Gaugush et al. teach moving the transmission out of gear when a brake is applies and moving into gear when the brake is disengaged on lines 15-20, on column 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the brake neutralization of Gaugush in the invention of Barbieri and the admitted prior art because such modification would reduce driver fatigue and prevent engine stalling.

7. Claims 59, 60, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al., 2004/0230346, in view of the admitted prior art of 6421593 as applied to claims 1-5, 14, 31-35, 46, 47, 48, 55-58, 61, 62, 63, 66, 67, and 68, above, and further in view of Scott, GB 2337137 A.

8. Brooks et al. and Kemper disclose the limitation as set forth above. They do not disclose any ranges of speeds to disable the output device. Scott teaches that over 20km/hr the vehicle of his invention cannot drive the PTO and the engine safely. It would have been obvious to one of ordinary skill in the art to use the threshold speeds in the claims because it is a design choice based on the vehicle used and would have an expected result that one of ordinary skill would know to use.

9. Claims 52, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pieperhoff, 5062759, in view of the admitted prior art of 6421593.

10. Pieperhoff discloses an emergency stop for disabling output devices on lines 1-8, on column 3; a chassis, a body, and a PTO in figure 2. Pieperhoff does not disclose the

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plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules. The admitted prior art of 6421593 teaches the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules explicitly teaches the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-5, 6, 7, 13, 14, 31-35, 46, 47, 48, 52, 53, 54, 55-58, 59, 60, 64, 65, 61, 62, 63, 66, 67, and 68 have been considered but are moot in view of the new ground(s) of rejection. Brooks et al. discloses a PTO control system that enables almost and status information to be used to disable or enable a PTO device such as a packer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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BJB



**THOMAS BLACK**  
**SUPERVISORY PATENT EXAMINER**